

REMARKS

Reconsideration and withdrawal of the rejection with respect to all of the claims now in the application (i.e., Claims 8, 12, 14 and 20) is respectfully requested in view of the foregoing amendments and the following remarks.

By this amendment, Applicant has deleted claims 1-7 which were related to a generally applicable method for an investor to select and make an investment and has limited Claims 20 - 23 specifically to a system for municipalities and school districts to make an investment. In addition, Applicant has further limited the claims by incorporating the subject matter in cancelled Claims 9-11 and 13 into Claim 8 and cancelled Claims 21-23 into Claim 20. Applicant has also cancelled Claims 15-19. Furthermore, Applicant has removed the improper alternative language in the claims by defining "banks or financial institutions" simply as a "financial institution".

Turning now to the 103 rejection, it is respectfully submitted that the present invention is patentable over the main reference to Gupta. All of the claims now in the Application, as amended, are specifically directed for use by municipalities and school districts for investment purposes. As stated in the background of the invention, municipalities and school districts have specific and unique investment needs due to the way they acquire and disperse funds. These entities often possess relatively large quantities of cash for relatively short periods of time which they must invest. In fact, many states require that municipalities invest in safe fixed rate instruments such as

U.S. Treasury Bills or insured certificates of deposit (pg. 1, ¶3). Thus, school districts and municipalities have unique needs as they are seeking to obtain the best rate of return on relatively large cash investments on a short term basis.

At the crux of Applicant's invention is a method and system for use by municipalities and school districts and designed to meet their specific and unique investment needs. For the past 50 years, school districts and municipalities have been making investments by individually contacting financial institutions. Until now, no one has disclosed a method and system like the present invention to aid school districts and municipal investors. Thus, the present invention is a novel advancement over the prior art and provides a method to computerize what has been done manually by school districts and municipalities for decades.

While the prior art discloses many types of electronic financial bidding systems, like the cited reference to Gupta, they all fail to address the specific needs of school districts and municipalities. Gupta is not pertinent to the present invention and has nothing to do with investments of school districts and municipalities.

In contrast, Gupta is related to a type of electronic reverse auction specifically directed towards a method and system for conducting Internet commerce for purchase of retail products (Col 2, lines 39-50). In Gupta, a consumer requests a particular product from a catalog of products (Col. 6, lines 29-34) and the product distributors compete to provide the lowest price at which they want to sell the product (Col. 2,

lines 62-64). Therefore, as Gupta is not directed towards investments, it does not disclose or suggest the features of the present invention.

More specifically, Gupta is not directed towards the specific investments of school districts and municipalities. Gupta is directed towards the average purchaser rather than a more sophisticated school district or municipal investor. School districts and municipalities are specifically seeking to obtain the best short term rate of return for a relatively large cash investment. The present invention is designed to specifically assist in that goal. As Gupta is directed towards retail consumers, it fails to disclose or suggest a system for municipal investors to obtain the best rate of return on a relatively large short term cash investment provided in the present invention.

Gupta fails to disclose step "a" of Claims 8 and 20, namely that municipalities or school districts advertise the amount and term of the investments they want to make. In contrast, in Gupta a retail consumer specifies the particular product from a catalog of products they want to purchase and in which they may choose a desired price (Col. 6, lines 29-38). Furthermore, Gupta does not disclose step "b" of Claim 8 and step "c" of Claim 20 in which banks or financial institutions bid for an investment including indicating a rate of return. Since Gupta is directed towards the purchase of retail products, the sellers bid on the price at which they will sell the specific product chosen by the buyer. Furthermore, as Gupta does not disclose a rate of return it does not disclose steps "b", "c" and "e" in claim 8 and step "c" and "e" in Claim 20 which disclose ranking the bids based upon rate of return. Furthermore,

Gupta only discloses providing a sorted list of the best offers presented by the sellers after the auction has ended (Col. 7, lines 21-25). Therefore, Gupta fails to disclose step "c" of Claim 8 of the present invention which recites ranking the bids during the bidding period.

In addition, Gupta does not disclose receiving signed acknowledgments from selected banks or financial institutions and transferring the funds, as set forth in Claim 12. In Gupta, if a bid is selected the retail transaction is consummated and the auctioneer receives a fee. Therefore, Gupta is totally unrelated to the present invention. Furthermore, Gupta fails to disclose the claimed steps of the present invention set forth in independent Claims 8 and 20 and Claims 12 and 14 which are dependent upon Claim 8.

Furthermore, the secondary reference to Ross does not cure the deficiencies of Gupta noted above. Ross is directed towards general financial principals and not towards the specific investment needs of school districts or municipalities. Ross fails to disclose or suggest an investment method and system for a school district or municipal investor to make an investment and obtain the best rate of return on a relatively large sum, short term cash investment.

Finally, Applicant hereby requests a one month extension of time in which to respond to the outstanding Office Action. Credit Card payment form no. PTO-2038 in the amount of \$60.00 is enclosed. Any fee deficiency or overpayment may be charged or credited to Deposit Account No.50-3990.

In view of the foregoing, it is respectfully submitted that the present invention as now set forth in Claims 8, 12, 14 and 20 is patentable over the cited art and, therefore, allowance of the aforesaid claims at an early date is earnestly solicited.

Respectfully submitted,

AUSTIN T. GAVIN



Thomas M. Galgano, (27,638)
GALGANO & ASSOCIATES, PLLC
Attorneys for Applicant
20 West Park Avenue, Suite 204
Long Beach, New York 11561
Telephone: 516.431.1177

TMG/jgb/jgg

Enclosure: USPTO Form 2038 in the amount of \$60
Postcard

F:\G&b\1665\3\al\amend.wpd